

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3725

United States of America,

Appellee,

v.

David G. Hall,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: September 7, 2004

Filed: September 13, 2004

Before MURPHY, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

David G. Hall appeals the sentence the district court^{*} imposed after Hall pleaded guilty to a drug charge. Hall's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the district court should have granted a greater departure to account for Hall's relatively minor participation in the offense. Hall has filed a supplemental brief, essentially arguing the district court and this court lack jurisdiction over his case, and defense counsel was ineffective.

^{*}The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

We enforce the appeal waiver included in the plea agreement and limit our review to issues not included within the scope of the waiver. See United States v. Andis, 333 F.3d 886, 890 (8th Cir.) (en banc), cert. denied, 124 S. Ct. 501 (2003). As to those issues, we conclude Hall's ineffective-assistance claims are not properly before us, see United States v. Hughes, 330 F.3d 1068, 1069 (8th Cir. 2003), and there are no jurisdictional defects. Based on our independent review under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Thus, we affirm the district court and grant counsel's motion to withdraw.
